

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL NO. 3:01CR151

UNITED STATES OF AMERICA)
)
)
)
vs.) **O R D E R**
)
)
ERIC LOWERY, *et al.*,)
)

THIS MATTER is before the Court on the Government's response to the Court's order filed August 5, 2005.

The Government advises that because the case of Defendant Lamar Redfern has been remanded from the Fourth Circuit for resentencing, the destruction of the subject weapon should be delayed until such proceedings are concluded.

IT IS, THEREFORE, ORDERED that the Government's request for destruction of the weapon herein is **DENIED** without prejudice to renewal upon completion of the proceedings regarding Defendant Redfern.

Signed: September 1, 2005



Lacy H. Thornburg
United States District Judge

